

OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ORIGINAL

ILLINOIS COMMERCE COMMISSION

Cook County State's Attorney, )  
)  
Motion for Stay of Commencement of )  
Customer Education and Order Requiring ) ICC Docket No. 01-0066  
NeuStar to Demonstrate that the 847 NPA )  
Is, in Fact, Exhausted )  
\_\_\_\_\_ )

**RESPONSE OF THE STAFF OF THE ILLINOIS COMMERCE  
COMMISSION TO THE COOK COUNTY STATE'S ATTORNEY'S  
OFFICE'S MOTION FOR STAY OF COMMENCEMENT OF  
CUSTOMER EDUCATION AND ORDER REQUIRING NEUSTAR  
TO DEMONSTRATE THAT THE 847 NPA IS, IN FACT, EXHAUSTED**

**INTRODUCTION**

The Staff of the Illinois Commerce Commission ("Staff"), by one of its attorneys, submits its response to the Cook County State's Attorney's Office's ("Cook County") petition for a stay of commencement of customer education relating to implementation of the 224 overlay NPA and an order requiring NeuStar to demonstrate that the 847 NPA is exhausted. For the reasons discussed more fully below, Cook County's motion should be denied.

**DISCUSSION**

Cook County requests that the Commission order NeuStar, Inc., in its role as the North American Numbering Planner ("NANPA"), to demonstrate that the 847 NPA is exhausted. Specifically, Cook County requests that the Commission require NeuStar to demonstrate that all assignable NXX's in NPA 847 are "used up or are unassignable due to technological reasons." Mot. at 2. Cook County's request should be denied. As the Commission is aware, Staff is currently reviewing the issues surrounding NXX exhaust in the 847 NPA, including the matters identified by

Cook County. Staff believes at this time that these issues are best addressed outside of formal proceedings. Staff believes a formal investigation at this time will serve to hinder timely resolution of the issues. Moreover, if the Commission were to initiate a formal investigation regarding these issues, informal communications between the Commission and Staff participating in the formal proceeding would cease. If Staff determines that formal proceedings are necessary to accomplish the Commission's goal of forestalling implementation of the 847 overlay NPA, Staff will recommend that the Commission immediately launch formal proceedings. In the meantime, the Commission should deny Cook County's motion and allow Staff to continue working to resolve these issues.<sup>1</sup>

Cook County also requests that the Commission stay the start of consumer education relating to the 224 overlay NPA until, at least February 17, 2001. Mot. at 2. Importantly, however, Cook County fails to identify to whom the stay should be directed. In its motion, Cook County mentions a NANPA meeting held on January 11-12, in which "some industry participants indicated they may begin customer education immediately following their decision on the implementation date for the 224 overlay." Cook County does not identify those "industry participants."<sup>2</sup> Nor does Cook County allege that a particular codeholder has begun a consumer education program or even

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<sup>1</sup> Cook County also requests that the Commission inquire into whether all conservation methods have been followed "in light of the allegations presented in CUB's recent Motion to Initiate Reclamation of Unactivated Codes." Mot. at 5. As an initial matter, the motion by the Citizens Utility Board, the Illinois Attorney General, and City of Chicago referred to by Cook County was not filed with the Clerk's Office. Therefore, no "allegations" exist in a proceeding pending before the Commission for Cook County to support. In any case, Staff opposes Cook County's request for a general investigation into the activities of code holders in the 847 area code. Cook County does not indicate whether a problem actually exists or why such a broad investigation is necessary. Cook County identifies no specific codeholder in violation of numbering conservation requirements. Staff continues to review NPA 847 utilization data and to work with codeholders to identify thousands-blocks and full NXX codes that can be returned to the Number Pooling Administrator and Code Administrator. If Staff determines that a service provider is out of compliance with number conservation requirements, Staff will recommend appropriate action, including recommending that the Commission initiate formal proceedings, if necessary.

<sup>2</sup> It does not appear that Cook County attached minutes of this meeting to its motion.

that a particular codeholder intends to. In short, Cook County identifies no codeholder action that needs to be stopped. In essence, Cook County merely asks the Commission to validate Cook County's reading of the Commission's order in docket 98-0497. In the absence of specific conduct alleged to violate the Commission's order in docket 98-0497 (or any order for that matter), the Commission should deny Cook County's request for a stay.

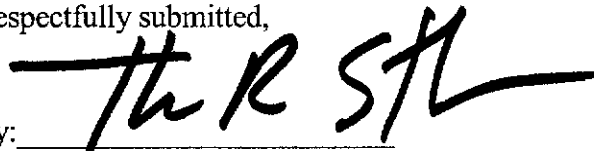
**CONCLUSION**

For all of the foregoing reasons, Cook County's motion should be denied.

January 30, 2001

Respectfully submitted,

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Th R STL", written over a horizontal line.

THOMAS R. STANTON  
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Staff Counsel

STATE OF ILLINOIS

ILLINOIS COMMERCE COMISSION

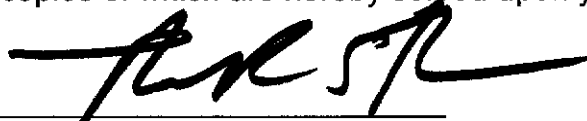
Cook County State's Attorney	)	
	)	
Motion for Stay of Commencement of	)	ICC Docket No. 01-0066
Customer Education and Order	)	
requiring NeuStar to Demonstrate that	)	
the 847 NPA Is, in Fact, Exhausted	)	

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NOTICE OF FILING

To: **Attached Service List**

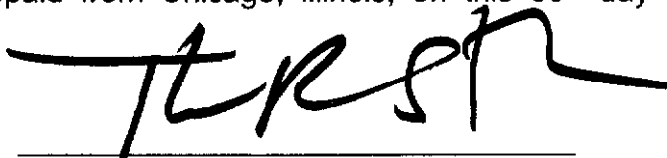
**YOU ARE HEREBY NOTIFIED** that I have, on the 30<sup>th</sup> day of January, 2001, forwarded to the Chief Clerk of the Illinois Commerce Commission, for filing in the above-captioned docket, the Response of the Staff of the Illinois Commerce Commission to the Cook County State's Attorney's Office's Motion for Stay of Commencement of Customer Education and Order Requiring NeuStar to Demonstrate that the 847 NPA is, in Fact, Exhausted, copies of which are hereby served upon you.



Thomas R. Stanton  
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CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that copies of the foregoing Notice, together with the documents referred to therein, were served upon the parties on the attached Service List, by first-class mail, proper postage prepaid from Chicago, Illinois, on this 30<sup>th</sup> day of January, 2001.



Thomas R. Stanton

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